

House File 2459

S-5279

1 Amend House File 2459, as passed by the House, as  
2 follows:

3 1. Page 3, line 18, after <improvement> by  
4 inserting <including but not limited to incentives  
5 for participation in a watershed management authority  
6 created under this chapter>

7 2. Page 3, after line 20 by inserting:  
8 <Sec. \_\_\_\_\_. **NEW SECTION. 466B.11 Watershed**  
9 **demonstration pilot projects.**

10 The department of natural resources and the  
11 department of agriculture and land stewardship, in  
12 collaboration with the United States department of  
13 agriculture's natural resources conservation service  
14 and the Iowa flood center established pursuant to  
15 section 466C.1, and in cooperation with the council,  
16 shall seek funding to plan, implement, and monitor  
17 one or more watershed demonstration pilot projects  
18 for urban and rural areas involving a twelve-digit  
19 hydrologic unit code subwatershed as defined by the  
20 United States geological survey. The pilot projects  
21 shall include features that seek to do all of the  
22 following:

- 23 1. Maximize soil water holding capacity from
- 24 precipitation.
- 25 2. Minimize severe scour erosion and sand
- 26 deposition during floods.
- 27 3. Manage water runoff in uplands under saturated
- 28 soil moisture conditions.
- 29 4. Reduce and mitigate structural and nonstructural
- 30 flood damage.

31 Sec. \_\_\_\_\_. **NEW SECTION. 466B.21 Definitions.**

32 As used in this subchapter, unless the context  
33 otherwise requires:

- 34 1. "*Authority*" means a watershed management
- 35 authority created pursuant to a chapter 28E agreement
- 36 as provided in this subchapter.
- 37 2. "*Board*" means a board of directors of a
- 38 watershed management authority.
- 39 3. "*Political subdivision*" means cities, counties,
- 40 and soil and water conservation districts.

41 Sec. \_\_\_\_\_. **NEW SECTION. 466B.22 Watershed**  
42 **management authorities created.**

43 1. Two or more political subdivisions may  
44 create, by chapter 28E agreement, a watershed  
45 management authority pursuant to this subchapter. The  
46 participating political subdivisions must be located  
47 in the same United States geological survey hydrologic  
48 unit code 8 watershed.

49 2. The chapter 28E agreement shall include a map  
50 showing the area and boundaries of the authority.

1 3. A county or a soil and water conservation  
2 district may participate in more than one authority  
3 created pursuant to this subchapter.

4 4. A political subdivision is not required to  
5 participate in a watershed management authority or be a  
6 party to a chapter 28E agreement under this subchapter.

7 Sec. \_\_\_\_\_. NEW SECTION. **466B.23 Duties.**

8 A watershed management authority may perform all of  
9 the following duties:

10 1. Assess the flood risks in the watershed.

11 2. Assess the water quality in the watershed.

12 3. Assess options for reducing flood risk and  
13 improving water quality in the watershed.

14 4. Monitor federal flood risk planning and  
15 activities.

16 5. Educate residents of the watershed area  
17 regarding water quality and flood risks.

18 6. Allocate moneys made available to the authority  
19 for purposes of water quality and flood mitigation.

20 7. Make and enter into contracts and agreements  
21 and execute all instruments necessary or incidental  
22 to the performance of the duties of the authority.

23 A watershed management authority shall not acquire  
24 property by eminent domain.

25 Sec. \_\_\_\_\_. NEW SECTION. **466B.24 Board of directors.**

26 1. An authority shall be governed by a board  
27 of directors. Members of a board of directors of  
28 an authority shall be divided among the political  
29 subdivisions comprising the authority and shall be  
30 appointed by the respective political subdivision's  
31 elected legislative body.

32 2. Representation on a board and the number of  
33 directors comprising a board shall be determined by  
34 agreement between the political subdivisions comprising  
35 the authority.

36 3. The composition of the board regarding  
37 participating cities and counties shall be based on the  
38 proportion of the population of each participating city  
39 or county to the total population of the participating  
40 cities and counties. Each participating soil and water  
41 conservation district shall have at least one director  
42 on the board. This subsection shall not apply if a  
43 chapter 28E agreement under this subchapter provides an  
44 alternative board composition method.

45 4. The directors shall serve staggered terms of  
46 four years. The initial board shall determine, by  
47 lot, the initial terms to be shortened and lengthened,  
48 as necessary, to achieve staggered terms. A person  
49 appointed to fill a vacancy shall be appointed in  
50 the same manner as the original appointment for the

1 duration of the unexpired term. A director is eligible  
2 for reappointment. This subsection shall not apply if  
3 a chapter 28E agreement under this subchapter provides  
4 an alternative for the length of term, appointment, and  
5 reappointment of directors.

6 5. A board may provide procedures for the removal  
7 of a director who fails to attend three consecutive  
8 regular meetings of the board. If a director is  
9 so removed, a successor shall be appointed for the  
10 duration of the unexpired term of the removed director  
11 in the same manner as the original appointment. The  
12 appointing body may at any time remove a director  
13 appointed by it for misfeasance, nonfeasance, or  
14 malfeasance in office.

15 6. A board shall adopt bylaws and shall elect  
16 one director as chairperson and one director as vice  
17 chairperson, each for a term of two years, and shall  
18 appoint a secretary who need not be a director.

19 7. A majority of the membership of a board of  
20 directors shall constitute a quorum for the purpose  
21 of holding a meeting of the board. The affirmative  
22 vote of a majority of a quorum shall be necessary  
23 for any action taken by an authority unless the  
24 authority's bylaws specify those particular actions of  
25 the authority requiring a greater number of affirmative  
26 votes. A vacancy in the membership of the board shall  
27 not impair the rights of a quorum to exercise all the  
28 rights and perform all the duties of the authority.

29 Sec. \_\_\_\_\_. NEW SECTION. 466B.25 Activities  
30 coordination.

31 In all activities of a watershed management  
32 authority, the authority shall coordinate and  
33 cooperate with the department of natural resources,  
34 the department of agriculture and land stewardship,  
35 councils of governments, public drinking water  
36 utilities, and soil and water conservation districts.>

37 3. Title page, by striking line 1 and inserting <An  
38 Act relating to watersheds.>

39 4. By renumbering as necessary.

---

ROBERT M. HOGG